# Proposed Rights of Individuals Served (Across all Populations)

* Rights of the Person Served:

The CCBHC shall have a written policy ensuring the rights of all individuals are observed consistent with state and federal law, including 18 V.S.A. § 8728, as well as those identified in this rule.

* Rights of the person served must be communicated to the person served:
  + In a manner the person served understands.
  + Prior to the beginning of service delivery or at the initiation of service delivery.
  + As evidenced by the signature of the person served, and/or their legal guardian
  + When informed consent is not possible due to the inability of the person served to understand his/her rights in the treatment process, documentation of this factor appears in the client record.
* The Provider’s policies promote the following rights of the persons served:
  + Confidentiality of information.
  + Privacy
    - Individuals shall have the right to privacy consistent with applicable law, including HIPAA (Pub. L. No. 104-191, 110 Stat. 1936 (1996)), 42 CFR Part 2, and patient privacy requirements specific to the care of minors required by 18 V.S.A. §7103.
    - Individuals have the right to be informed of the limitations of privacy and confidentiality.
  + Freedom from:
    - Abuse.
    - Financial or other exploitation.
    - Retaliation.
    - Humiliation.
    - Neglect.
  + Access to:
    - Information pertinent to person served in a timely manner in order to facilitate their decision-making.
    - Their record.
    - Their treatment plan.
    - Participate in developing their individualized treatment plan.
    - Provider qualifications
    - Practice guidelines
    - Staff code of ethics
  + Informed consent or refusal regarding:
    - Service delivery
    - Providers on case
    - Release of information
    - Creation and/or provider access to Advance directive(s)
    - Concurrent services
    - Natural supports that are allowed and not allowed to participate in their supports
    - Medications prescribed, except where required by court order
    - Involvement in human subject research projects, if applicable.
  + Access or referral to:
    - Receive treatment and services in the most integrated, least restrictive setting appropriate to their needs.
    - Self-help support services
    - Advocacy support services
* Adherence to human subject research guidelines and ethics when persons served are involved, if applicable.
* Investigation and resolution of alleged infringement of rights.
* Other legal rights

Individuals or their guardian have the right to all legal protection and due process for status as an outpatient and inpatient individual, both voluntary and involuntary, as defined under Vermont law.

Addendum 1: Client Rights (Mental health current set- As planned for Admin Rule update early 2025):

* 1. Individual Rights
     + 1. The Agency shall have a written policy ensuring the rights of all individuals are observed consistent with state and federal law, including 18 V.S.A. § 8728, as well as the State System of Care Plan for DAIL, and the DMH Mental Health Provider Manual, and those identified in this rule.
  2. General Rights
     + 1. The individual has the right to be informed of their rights at intake and/or initial evaluation, as evidenced by the individual (or representative’s) signature. Exceptions may be made for no signature when thoroughly documented with a rationale;
       2. The right to be treated with dignity and respect by all staff;
       3. The right to participate in decision making regarding services, treatment plans, ongoing supports, and practices; and
       4. The right to information that is needed to plan appropriate service and supports.
  3. Privacy Rights
     + 1. Individuals shall have the right to privacy consistent with applicable law, including HIPAA (Pub. L. No. 104-191, 110 Stat. 1936 (1996)), 42 CFR Part 2, and patient privacy requirements specific to the care of minors required by 18 V.S.A. §7103.
       2. Individuals have the right to be informed of the limitations of privacy and confidentiality.
  4. Access to Services
     + 1. Individuals have the right to receive information about eligibility criteria, practitioner qualifications, practice guidelines, and available services and programs regardless of whether they are offered by the Agency.
       2. Individuals have the right to receive treatment and services in the most integrated, least restrictive setting appropriate to their needs.
       3. Individuals have the right to a comprehensive service plan that incorporates coordination with other relevant Agencies/systems if desired.
  5. Personal Liberty and Autonomy
     + 1. Individuals or their guardian have the right to name who their natural supports are, and to name those natural supports they do not want from participating in their supports.
       2. Individuals or their guardian have the right to create a Psychiatric Advance Directive, have support to create it if desired, and have Agency honor what is included.
       3. Individuals or their guardian have the right to refuse or terminate services, providers, and/or medication, except where required by court order.
       4. Individuals or their guardian have the right to voice complaints, grieve treatment and services, and/or appeal decisions made by an Agency without negative consequences.
       5. Individuals or their guardian have the right to all legal protection and due process for status as an outpatient and inpatient individual, both voluntary and involuntary, as defined under Vermont law.

Addendum 2: Client Rights (Preferred Provider List)

10.0 Rights of the Person Served

10.1 Rights of the person served must be communicated to the person served:

10.1.1 In a manner the person served understands.

10.1.2 Prior to the beginning of service delivery or at the initiation of service delivery.

10.1.3 When informed consent is not possible due to the inability of the person served to

understand his/her rights in the treatment process, documentation of this factor

appears in the client record.

10.2 The Provider’s policies promote the following rights of the persons served:

10.2.1 Confidentiality of information.

10.2.2 Privacy.

10.2.3 Freedom from:

10.2.3.1 Abuse.

10.2.3.2 Financial or other exploitation.

10.2.3.3 Retaliation.

10.2.3.4 Humiliation.

10.2.3.5 Neglect.

10.2.4 Access to:

10.2.4.1 Information pertinent to person served in a timely manner in order to

facilitate their decision-making.

10.2.4.2 Their record.

10.2.4.3 Their treatment plan.

10.2.4.4 Participate in developing their individualized treatment plan.

10.2.5 Informed consent or refusal regarding:

10.2.5.1 Service delivery

10.2.5.2 Release of information

10.2.5.3 Concurrent services

10.2.5.4 Involvement in human subject research projects, if applicable.

10.2.6 Access or referral to:

10.2.6.1 Self-help support services

10.2.6.2 Advocacy support services

10.2.7 Adherence to human subject research guidelines and ethics when persons served are

involved, if applicable.

10.2.8 Investigation and resolution of alleged infringement of rights.

10.2.9 Other legal rights.